



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP RCE

In re Applicant:

Jon D. Cameron

Filed: December 6, 1997

Serial No.: 08/986,287

For: THERMOCHROMIC BAR
CODE

§ Confirmation No.: 4718
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Art Unit: 2876

Examiner: St. Cyr, D.

Docket No.: JCMN-27,738US

COMMUNICATION

Concurrent with the filing of the Extension of Time and fee therefore, and the Request for Continued Prosecution, a Petition Under 35 C.F.R. 1.182 asking for a decision that a Power of Attorney by Tobin Gaedke to Charles M. Cox, Registration No. 29,057, be accepted to make the Request for Extension and Request for Continued Examination timely filed effective November 24, 2004. A copy of the Petition Under 37 C.F.R. 1.182 is enclosed.

Respectfully submitted,

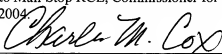
Date: November 24, 2004


Charles M. Cox, Reg. No. 29,057

AKIN GUMP STRAUSS HAUER & FELD, LLP
1111 Louisiana Street, 44th Floor
Houston, Texas 77002
Telephone: (713) 220-5800
Facsimile: (713) 236-0822

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, Express Mail, airbill no. EV 479327422US addressed to Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 24, 2004.


Charles M. Cox, Reg. No. 29,057



CHAUZA & HANDLEY, L.L.P.
ATTORNEYS AT LAW - PATENT, TRADEMARK AND COPYRIGHT MATTERS

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November 19, 2004

VIA FACSIMILE/E-MAIL
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Edward F. Fernandes, Esq.
AKIN, GUMP, STRAUS,
HAUER & FIELD, L.L.P.
300 West 6TH Stree, Suite 2100
Austin, Texas 78701-2916

RE: Patent Application for a Thermochromic Bar Code
Application Serial No. 08/986,287, filed December 06, 1997
Our File No. JCMN-27,738US

Dear Mr. Fernandes:

This letter is to provide notice to you, and through you to your clients, Mr. Tobin Gaedke and his Assignee's, that we are not responding to an outstanding Office Action for the above-identified application. The Office Action was mailed May 24, 2004, and a response is due by November 24, 2004 with a three month extension of time.

If a response is not timely filed by November 24, 2004, the application will be abandoned.

Please do not hesitate to call should you have any questions.

Sincerely,

CHAUZA & HANDLEY, L.L.P.

Mark W. Handley

MWH/iv

cc: Mr. Jon Cameron
Jennifer A. Lloyd, Esq.
Geoffrey R. Unger, Esq.

EXHIBIT A

Copied from 09986287 on 02/02/2005

AKIN GUMP
STRAUSS HAUER & FELD LLP

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November 23, 2004

VIA FACSIMILE, EMAIL AND
CERTIFIED MAIL / RRR

Mark W. Handley
Chauza & Handley, L.L.P.
MacArthur Center II
5605 N. MacArthur Blvd., Suite 670
Irving, Texas 75038

Re: Patent Application for a Thermachromic Bar Code; Application Serial No.
08/986,287, filed December 6, 1997

Dear Mr. Handley:

I am in receipt of your November 19, 2004 letter regarding your decision to not respond to an outstanding Office Action for the above-identified patent application (the "287 Application").

My clients, Tobin Gaedke and Robert Sek, each claim an interest in the 287 Application and do not wish to abandon the application. However, due to your late notice of your intention to abandon the application, my clients are unable to file a response to the Office Action by November 24, 2004 to prevent abandonment of the application.

Therefore, please file a request for three-month extension of time and request for continued examination, together with the applicable fees, by tomorrow to prevent abandonment of the 287 Application. My clients will reimburse you for your fees and expenses.

If you have questions, please call me to discuss.

Very truly yours,

Edward F. Fernandes

c: By Facsimile, Email and
Certified Mail / RRR
Geoffrey R. Unger
Jennifer A. Lloyd



PTO/SB/17 (01-03)

FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision

		Complete if Known	
Application Number	08/986,287	Filing Date	December 6, 1997
First Named Inventor	Jon D. Cameron	Examiner Name	Daniel S. Cyr
Group / Art Unit	2876		
Total Amount of Payment	\$	Attorney Docket No.	680471.0001

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
Deposit Account No.: 16-2435
Deposit Account Name:
Akin Gump Strauss Hauer & Feld, LLP
- ☒ Charge any additional Fee Required Under 37 CFR §§ 1.16 & 1.17
Applicant claims small entity status.
See 37 CFR 1.27
2. ☐ Payment Enclosed: ☐ Check
☐ Money Order
☐ Credit Card
☐ Other

FEE CALCULATION

1. Basic Filing Fee

Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	\$790	2001	\$395	Utility Filing Fee	\$
1002	\$350	2002	\$175	Design Filing Fee	\$
1003	\$550	2003	\$275	Plant Filing Fee	\$
1004	\$790	2004	\$395	Reissue Filing Fee	\$
1005	\$160	2005	\$ 80	Provisional Filing Fee	\$
Subtotal (1)					\$

2. Extra Claim Fees

Claims	Extra	Fee (below)	Fee Paid
Total	-20** =	x \$	= \$
Indep.	-3** =	x \$	= \$
Multiple Dependent			\$

**or number previously paid, if greater.

For Reissues, see below

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
\$ 18	\$ 9	Claims in excess of 20
\$ 88	\$ 44	Independent claims in excess of 3
\$ 300	\$ 150	Multiple dependent claim, if not paid
\$ 88	\$ 44	**Reissue independent claims over original patent
\$ 18	\$ 9	**Reissue claims in excess of 20 and over original patent
Subtotal (2)		\$

FEE CALCULATION (continued)

3. Additional Fees

Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	\$ 130	2051	\$ 65	Surcharge - late fee or oath	\$
1052	\$ 50	2052	\$ 25	Surcharge - late provisional filing fee or cover sheet	\$
1812	\$2,520	1812	\$2,520	Request for Reexamination	\$
1804	\$920*	1804	\$920*	Requesting publication of SIR prior to Examiner action	\$
1805	\$1840*	1805	\$1840*	Requesting publication of SIR after Examiner action	\$
1251	\$ 110	2251	\$ 55	Extension for reply within first month	\$
1252	\$ 430	2252	\$ 215	Extension for reply within second month	\$
1253	\$ 980	2253	\$ 490	Extension for reply within third month	\$ 490.00
1254	\$1,530	2254	\$ 765	Extension for reply within fourth month	\$
1255	\$2,080	2255	\$1,040	Extension for reply within fifth month	\$
1401	\$ 340	2401	\$ 170	Notice of Appeal	\$
1402	\$ 340	2402	\$ 170	Filing a brief in support of an appeal	\$
1403	\$ 300	2403	\$ 150	Request for oral hearing	\$
1452	\$ 110	2452	\$ 55	Petition to revive - unavoidable	\$
1453	\$1,370	2453	\$ 685	Petition to revive - unintentional	\$
1501	\$1,370	2501	\$ 685	Utility issue fee (or reissue)	\$
1502	\$ 490	2502	\$ 245	Design issue fee	\$
1503	\$ 660	2503	\$ 330	Plant issue fee	\$
1460	\$ 130	1460	\$ 130	Petitions to the Commissioner	\$
1807	\$ 50	1807	\$ 50	Petitions related to provisional applications	\$
1806	\$ 180	1806	\$ 180	Submission of Information	\$
8021	\$ 40	8021	\$ 40	Disclosure Statement	\$
1809	\$ 790	2809	\$ 395	Recording each patent assignment per property (times number of properties)	\$
1801	\$ 790	2801	\$ 395	Filing a submission after final rejection (37 CFR 1.129(a))	\$
1802	\$ 900	1802	\$ 900	Request for Continued Examination (RCE)	\$395.00
				Request for expedited examination of a design application	\$

Other fee (specify):

Other fee (specify):

* Reduced by Basic Filing Fee Paid

Subtotal (3) \$ 885.00

Submitted by

Charles M. Cox, Reg. No. 29,057

Date: 11/24/2004

Express Mail No. EV 479327422 US